

RESOLUTION OF THE TOWN OF NEW WINDSOR, NEW YORK,
ADOPTED AUGUST 1, 2007, APPROVING THE
ESTABLISHMENT OF EXTENSION NO. 2 TO WATER DISTRICT
NO. 5, IN SAID TOWN, AND THE ACQUISITION OF THE
WATER IMPROVEMENT, IF ANY, TO BE CONSTRUCTED
THEREIN.

Recitals

WHEREAS, the Town Board of the Town of New Windsor (herein called "Town Board" and "Town," respectively), in the County of Orange, New York, has received a petition, pursuant to Section 191 of the Town Law, for the establishment of Extension No. 2 to Water District No. 5, (the "Extension" and "District," respectively), which petition is signed by the owners of taxable real property situate in the proposed district, owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed Extension, as shown upon the latest completed assessment-roll of said Town, and, if there be resident owners, including the signatures of resident owners of taxable real property owning taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property of the proposed Extension, owned by resident owners according to the latest completed assessment roll, and was accompanied by a map and plan prepared by Engineering Properties, PC, competent engineers duly licensed by the State of New York, relating to the establishment of the Extension and the acquisition by gift of the water improvement, if any, to be constructed therein by the developer (the "Developers") to provide water service within the Extension, said improvements to include the construction and installation of approximately 2,225 feet of 10" diameter class 54 cement-lined ductile iron pipe, and all ancillary work including land or rights in land, original equipment, machinery, furnishings, valves, fittings, connections, fill, services, creek crossings, appurtenances and related site work (the

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“Water Improvement”), substantially as described in said map, plan and report prepared by Engineering Properties, PC, competent engineers duly licensed by the State of New York which map and plan have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, said petition described the boundaries of the proposed Extension in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioner and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, pursuant to the Order duly adopted on July 5, 2007, the Town Board determined to proceed with the establishment of the proposed Extension and adopted an Order reciting in general terms the filing of such petition, a description of the boundaries of the Extension in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the fact that the improvements are to be constructed and paid for by the Developers and acquired by gift at no cost to the Town or the Extension, the estimated cost of hook-up fees, if any, the estimated cost of establishing the Extension and constructing improvements, if any, to the Typical Property (as defined in the Town Law), the fact that a map and plan describing the same are on file in the Town Clerk’s office for public inspection and specifying August 1, 2007, at 7:00 o’clock P.M. (Prevailing Time) as the time when, and the Town Hall, 555 Union Avenue, New Windsor, New York, as the place where, the Town Board would meet to consider the establishment of the Extension and acquisition of the Water Improvement to be constructed and installed therein, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

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WHEREAS, the Town Board has given due consideration to the impact that the establishment of the Extension and acquisition of the water improvement, if any, to be constructed and installed therein, may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed negative declaration and/or other applicable documentation has been filed in the office of the Town Clerk; and

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on this 1st day of August, 2007, commencing at 7:00 o'clock P.M. (Prevailing Time), at said Town Hall, at which all interested persons desiring to be heard were heard, including those in favor of and those opposed to, the establishment of the proposed Extension;

NOW, THEREFORE, upon the evidence adduced at such Public Hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF NEW WINDSOR, IN THE COUNTY OF ORANGE, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

- (a) the petition was signed and acknowledged or proved as required by law and is otherwise sufficient;
- (b) all the property and property owners included within the proposed Extension, hereinabove referred to in the recitals hereof, are benefited thereby;

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(c) all the property and property owners benefited are included within the limits of the proposed Extension; and

(d) it is in the public interest to grant in whole the relief sought.

Section 2. The establishment of the Extension is hereby approved, as hereinafter described, and the proposed Water Improvement, if any, to be constructed and installed therein shall be acquired by gift as set forth in the recitals hereof, and the Extension shall be designated and known as Extension No. 2 to Water District No. 5, in the Town of New Windsor, and shall be bounded and described as follows:

DESCRIPTION OF EXTENSION TO WATER DISTRICT #5

All that tract, piece parcel of land situate in the Town of New Windsor, County of Orange State of New York, to be added to the Town of New Windsor Water District #5, being further described as follows:

Beginning at the point of intersection of the easterly sideline of New York State Route 300 (AKA Temple Hill Road) as presently laid out with the northwesterly sideline of lands now or formerly of Consolidated Rail Corporation (formerly Erie Rail Road) and running, thence

Along the said easterly sideline of New York State Route 300 and the Water District #5 boundary, in a northerly direction, to the intersection of said easterly sideline with the dividing line between tax lot 65-2-1.1, to the south, and tax lot 79-1-1, to the north, thence

In a southerly and easterly direction, along the Water District #5 boundary and along the northeasterly line of said tax lot 65-2-1.1 and the northerly line of tax lot 65-2-3 to the northwesterly sideline of lands now or formerly of Consolidated Rail Corporation tax lot 65-2-4, thence

Along the said northwesterly sideline of lands now or formerly of Consolidated Rail Corporation tax lot 65-2-4 and along the Water District #5 boundary, in a southerly direction to the point of beginning, said point being at the point of intersection of the easterly sideline of New York State Route 300 (AKA Temple Hill Road) as presently laid out with the northwesterly sideline of lands now or formerly of Consolidated Rail Corporation and further described as follows:

All that tract, piece parcel of land situate in the Town of New Windsor, County of Orange State of New York, being designated as tax lots 65-2-1.1, 65-2-1.2 and 65-2-3 as shown on Section 65 of the 2007 Orange County tax maps last revised 10/10/06.

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Section 3. The said Water Improvement, if any, as hereinabove described, is to be constructed and installed and paid for by the Developers and acquired by gift at no cost to the Town or the Extension, and the expense of the establishment and maintenance of the Extension shall be shall be paid by the levy and collection of assessments from the several lots and parcels of land within the Extension, in the same manner and at the same time as other Town charges.

Section 4. The Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adoption of this resolution, to record with the County Clerk of the County of Orange and file with the Department of Audit and Control in Albany, New York, copies of this resolution certified by said Town Clerk.

Section 5. This resolution shall take effect immediately.

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